

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 755
96TH GENERAL ASSEMBLY

5566L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.260, 43.265, 210.1014, 306.130, 455.020, 455.035, 455.040, 455.060, 455.085, 455.505, 455.513, 455.523, 455.538, 488.5050, 513.653, 527.290, 565.074, 565.182, 570.145, 575.060, 575.070, 575.080, 650.055, 650.100, and 650.120, RSMo, and to enact in lieu thereof thirty-four new sections relating to public safety, with penalty provisions and an effective date for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 43.260, 43.265, 210.1014, 306.130, 455.020, 455.035, 455.040, 2 455.060, 455.085, 455.505, 455.513, 455.523, 455.538, 488.5050, 513.653, 527.290, 565.074, 3 565.182, 570.145, 575.060, 575.070, 575.080, 650.055, 650.100, and 650.120, RSMo, are 4 repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 43.260, 5 43.265, 210.1014, 302.790, 304.823, 306.130, 407.293, 407.294, 455.020, 455.035, 455.040, 6 455.060, 455.085, 455.505, 455.513, 455.523, 455.538, 488.5050, 513.653, 527.290, 565.074, 7 565.182, 570.145, 574.035, 575.045, 575.060, 575.070, 575.080, 577.170, 577.172, 610.205, 8 650.055, 650.100, and 650.120, to read as follows:

43.260. Notwithstanding other provisions of law to the contrary, the Missouri state 2 highway patrol is hereby authorized to sell surplus highway patrol motor vehicles, **watercraft,** 3 **watercraft motors, and trailers.** Sales to municipal, county, political subdivisions or state 4 governmental agencies shall be given preference over sales to the general public. Vehicles, 5 **watercraft, watercraft motors, and trailers** may be offered for sale only after approval is given 6 in writing by the commissioner of administration and an evaluation is made of each [vehicle] 7 **asset** and a price determined by the commissioner of administration. The highway patrol shall

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 accept not less than the amount authorized by the commissioner of administration for the sale
9 of vehicles, **watercraft, watercraft motors, and trailers.**

43.265. There is hereby created in the state treasury the "Highway Patrol's Motor Vehicle
2 [and], Aircraft, **and Watercraft** Revolving Fund", which shall be administered by the
3 superintendent of the highway patrol. All funds received by the highway patrol from:

4 (1) Any source for purchase of highway patrol motor vehicles, **watercraft, watercraft**
5 **motors, and trailers;**

6 (2) Any source for reimbursement of costs associated with the official use of highway
7 patrol vehicles;

8 (3) Any source for restitution for damage to or loss of a highway patrol vehicle or
9 aircraft;

10 (4) Any other source for the purchase of highway patrol aircraft or aircraft parts; and

11 (5) Government agencies for the reimbursement of costs associated with aircraft flights
12 flown on their behalf by the highway patrol; shall be credited to the fund. The state treasurer is
13 the custodian of the fund and shall approve disbursements from the fund subject to appropriation
14 and as provided by law and the constitution of this state at the request of the superintendent of
15 the highway patrol. The balances from this fund shall be used for the purchase of highway patrol
16 motor vehicles, **highway patrol watercraft, watercraft motors, and trailers,** highway patrol
17 aircraft or aircraft parts and operational costs. Any unexpended balance in the fund at the end
18 of the fiscal year shall be exempt from the provisions of section 33.080 relating to the transfer
19 of unexpended balances to the general revenue fund.

210.1014. 1. There is hereby created the "Amber Alert System Oversight Committee",
2 whose primary duty shall be to develop criteria and procedures for the Amber alert system and
3 shall be housed within the department of public safety. The committee shall regularly review
4 the function of the Amber alert system and revise its criteria and procedures in cooperation with
5 the department of public safety to provide for efficient and effective public notification. As soon
6 as practicable, the committee shall adopt criteria and procedures to expand the Amber alert
7 system to provide urgent public alerts related to homeland security, criminal acts, health
8 emergencies, and other imminent dangers to the public health and welfare.

9 2. **The committee shall, prior to January 1, 2013, adopt the criteria and procedures**
10 **necessary to expand the Amber alert system to provide peace officer safety alerts for the**
11 **location and identification of any person who has assaulted or otherwise injured a licensed**
12 **peace officer and who has fled the scene.**

13 3. The Amber alert system oversight committee shall consist of ten members of which
14 seven members shall be appointed by the governor with the advice and consent of the senate.
15 Such members shall represent the following entities: two representatives of the Missouri Sheriffs'
16 Association; two representatives of the Missouri Police Chiefs Association; one representative
17 of small market radio broadcasters; one representative of large market radio broadcasters; one

18 representative of television broadcasters. The director of the department of public safety shall
19 also be a member of the committee and shall serve as chair of the committee. Additional
20 members shall include one representative of the highway patrol and one representative of the
21 department of health and senior services.

22 [3.] 4. Members of the oversight committee shall serve a term of four years, except that
23 members first appointed to the committee shall have staggered terms of two, three, and four years
24 and shall serve until their successor is duly appointed and qualified.

25 [4.] 5. Members of the oversight committee shall serve without compensation, except
26 that members shall be reimbursed for their actual and necessary expenses required for the
27 discharge of their duties.

28 [5.] 6. The Amber alert system oversight committee shall promulgate rules for the
29 implementation of the Amber alert system. Any rule or portion of a rule, as that term is defined
30 in section 536.010, that is created under the authority delegated in this section shall become
31 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
32 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
33 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
34 date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
35 rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid
36 and void.

**302.790. The department of revenue may create an emergency information
2 database for instruction permit, driver's license, and nondriver's license holders to record,
3 if the holder chooses to provide to the department, any known allergies of the license
4 holder and to enter the names, addresses, and telephone and cellular telephone numbers
5 for no more than two emergency contact persons they wish to be contacted if involved in
6 a motor vehicle accident or other emergency situation when the person is unable to
7 communicate. All information contained in the database shall be made available to law
8 enforcement and other emergency personnel if requested provided they have online access
9 to the driver record, or law enforcement may share the information contained in the
10 database when necessary with other law enforcement or emergency personnel. The
11 department of revenue, law enforcement, and other emergency personnel shall not incur
12 liability for sharing any emergency information with other law enforcement or emergency
13 personnel, or if the applicant or holder fails to provide or to keep the emergency
14 information updated.**

**304.823. 1. The provisions of this section shall be known as the "Fair Fare
2 Passenger Safety Act of 2012".**

**3 2. Except as otherwise provided in this section, no person operating a moving motor
4 vehicle upon the highways or other public roadways of this state who is receiving
5 compensation for the transportation of one or more passengers who are currently**

6 occupying said motor vehicle shall, by means of a hand-held electronic wireless
7 communications device, send, read, or write a text message or electronic message or make
8 or take part in a telephone call, by means of a hand-held electronic wireless
9 communications device.

10 3. The provisions of subsection 1 of this section shall not apply to a person
11 operating:

12 (1) An authorized emergency vehicle; or

13 (2) A moving motor vehicle while using a hand-held electronic wireless
14 communications device to:

15 (a) Report illegal activity;

16 (b) Summon medical or other emergency help;

17 (c) Prevent injury to a person or property; or

18 (d) Relay information between a transit or for-hire operator and that operator's
19 dispatcher, in which the device is permanently affixed to the vehicle.

20 4. Nothing in this section shall be construed or interpreted as prohibiting a person
21 from making or taking part in a telephone call, by means of a hands-free electronic
22 wireless communications device, while operating a motor vehicle upon the highways of this
23 state.

24 5. As used in this section, "electronic message" means a self-contained piece of
25 digital communication that is designed or intended to be transmitted between hand-held
26 electronic wireless communications devices. "Electronic message" includes, but is not
27 limited to, electronic mail, a text message, an instant message, or a command or request to
28 access an internet site.

29 6. As used in this section, "hand-held electronic wireless communications device"
30 includes any hand-held cellular phone or other mobile electronic device used to
31 communicate verbally or by text or electronic messaging, but shall not apply to any device
32 that is permanently embedded into the architecture and design of the motor vehicle.

33 7. As used in this section, "making or taking part in a telephone call" means
34 listening to or engaging in verbal communication through a hand-held electronic wireless
35 communications device.

36 8. As used in this section, "send, read, or write a text message or electronic
37 message" means using a hand-held electronic wireless telecommunications device to
38 manually communicate with any person by using an electronic message. Sending, reading,
39 or writing a text message or electronic message does not include reading, selecting, or
40 entering a phone number or name into a hand-held electronic wireless communications
41 device for the purpose of making a telephone call.

42 9. As used in this section, the terms "one or more passengers" does not include the
43 driver as a passenger.

44 **10. As used in this section, the term "receiving compensation" means the driver**
45 **either has already received, is currently receiving, or will in the future receive**
46 **compensation from either the passenger or passengers personally, the employer of said**
47 **driver, a contractual agreement, or any other agreed upon method of payment.**

48 **11. A violation of this section shall be deemed an infraction and shall be deemed a**
49 **moving violation for purposes of point assessment under section 302.302.**

50 **12. Any city or county shall have the authority to adopt ordinances or regulations**
51 **which are equivalent to, but not more restrictive than, the provisions of this section.**

52 **13. The provisions of this section shall not apply to:**

53 **(1) The operator of a vehicle that is lawfully parked or stopped;**

54 **(2) Any of the following while in the performance of their official duties: a law**
55 **enforcement officer; a member of a fire department; or the operator of a public or private**
56 **ambulance;**

57 **(3) The use of factory-installed or aftermarket global positioning systems (GPS) or**
58 **wireless communications devices used to transmit or receive data as part of a digital**
59 **dispatch system;**

60 **(4) The use of voice-operated technology to make or take part in a phone call;**

61 **(5) The use of two-way radio transmitters or receivers by a licensee of the Federal**
62 **Communications Commission in the Amateur Radio Service;**

63 **(6) A person using a handheld mobile telephone in conjunction with a voice-**
64 **operated or hands-free device. The term "voice-operated or hands-free device" for**
65 **purposes of this subdivision shall mean a device that allows the user to write, send, or read**
66 **a text message without the use of either hand except to activate or deactivate a feature or**
67 **function.**

 306.130. 1. The **Missouri state highway patrol**, water patrol division, shall authorize
2 the holding of regattas, motorboat or other watercraft races, marine parades, tournaments,
3 parasail operations or exhibitions on any waters of this state when it has determined that said
4 event will not create conditions of excessive danger for the participants, observers or operators
5 of other watercraft nor unduly disrupt navigation. It shall adopt and may, from time to time,
6 amend regulations concerning the safety of motorboats and other watercraft and persons thereon,
7 either observers or participants. Whenever a regatta, motorboat or other watercraft race, marine
8 parade, tournament, parasail operation or exhibition is proposed to be held, the person in charge
9 thereof shall, at least fifteen days prior thereto, file an application with the **Missouri state** water
10 patrol division for permission to hold the regatta, motorboat or other watercraft race, marine
11 parade, tournament, parasail operation or exhibition, and it shall not be conducted without
12 authorization of the **Missouri state** water patrol division in writing.

13 **2. A person who holds a permit issued by the Missouri state water patrol division**
14 **to host a regatta, motorboat or other watercraft race, marine parade, tournament, parasail**

15 **operation or exhibition on any waters of the state shall not knowingly violate any term of**
16 **the permit.**

17 **3.** The provisions of this section shall not exempt any person from compliance with
18 applicable federal law or regulation, but nothing contained herein shall be construed to require
19 the securing of a state permit pursuant to this section if a permit therefor has been obtained from
20 an authorized agency of the United States.

407.293. 1. (1) As used in this section and section 407.294, "commodity metal"
2 **means a metal containing brass, copper, copper alloy, aluminum, stainless steel, or**
3 **magnesium or another metal traded on the commodity markets that sell for fifty cents per**
4 **pound or greater. "Commodity metal" shall also include precious metals such as gold,**
5 **silver, or platinum.**

6 **(2) As used in this section and section 407.294, "purchaser" is a person who**
7 **purchases only small commodities and shall not include salvage yards, or the like, that**
8 **purchase whole vehicles that may contain small commodities as part of the vehicle nor does**
9 **it include pawnbrokers, as defined in section 367.011.**

10 **2. A purchaser of commodity metals shall:**

11 **(1) Sign up with the scrap theft alert system maintained by the Institute of Scrap**
12 **Recycling Industries, Inc., or its successor organization, to receive alerts regarding thefts**
13 **of commodity metals in the purchaser's geographic area;**

14 **(2) Download and maintain the scrap metal theft alerts generated by the scrap theft**
15 **alert system;**

16 **(3) Use the alerts to identify potentially stolen commodity metals, including training**
17 **the purchaser's employees to use the alerts during the purchaser's daily operations.**

18 **3. A purchaser of commodity metals shall maintain for ninety days copies of any**
19 **theft alerts received and downloaded under subsection 1 of this section. A purchaser shall**
20 **also maintain documentation that the purchaser educates employees about, and provides**
21 **to employees, scrap theft alerts.**

407.294. 1. There is hereby created the "Commodity Metals Theft Task Force",
2 **hereafter known as "task force".**

3 **2. The task force consists of the following ten persons or their designees:**

4 **(1) The chief of the Missouri highway patrol;**

5 **(2) A sheriff appointed by a Missouri Sheriffs' Association;**

6 **(3) A municipal police chief appointed by the Missouri Association of Chiefs of**
7 **Police;**

8 **(4) A contractor that uses commodity metals in construction;**

9 **(5) A representative of a national trade association or other organization that**
10 **represents commodity metals recyclers, such as the Institute of Scrap Recycling Industries,**
11 **Inc., or its successor organization or another entity representing comparable interests;**

12 **(6) A scrap metal dealer located in Missouri who is a member of the Institute of**
13 **Scrap Recycling Industries, Inc., or its successor organization;**

14 **(7) A representative of the Missouri municipal league or its successor entity;**

15 **(8) A representative of the County Commissioners Association of Missouri;**

16 **(9) A representative of a public utility that uses commodity metals; and**

17 **(10) A representative of a railroad company that operates in Missouri.**

18 **3. The task force shall hold its first meeting no later than January 1, 2013. At the**
19 **first meeting, the task force shall discuss the best way to distribute and use information**
20 **related to theft of scrap metals, including whether and how to promote use by law**
21 **enforcement agencies of the scrap theft alert system maintained by the Institute of Scrap**
22 **Recycling Industries, Inc., or its successor organization. Thereafter, the task force shall**
23 **meet on a regular basis, convening at least every October, to discuss issues related to theft**
24 **of commodity metals, including sharing relevant information on theft of scrap metal,**
25 **identifying ways in which Missouri laws regulating commodity metals purchases can be**
26 **improved to reduce theft, and reviewing any performance problems or communication**
27 **issues. The task force is specifically directed to consider:**

28 **(1) Possible policies or practices to aid in tracking or apprehending stolen**
29 **commodity metals prior to the point of sale in order to assist law enforcement personnel**
30 **in theft prevention and recovery of stolen materials;**

31 **(2) Recommendations regarding when and how a commodity metals purchaser**
32 **should be required to apprise local law enforcement authorities if a purchased commodity**
33 **metal is a potential match of a commodity metal reported stolen in the scrap theft alert**
34 **system; and**

35 **(3) The creation and attributes of a civil penalty process for egregious and repeat**
36 **violators of the recordkeeping requirements of this section.**

37 **4. A member of the task force, as designated by the task force, shall report annually**
38 **to the judiciary committees of the house of representatives and the senate or any successor**
39 **committees regarding the task force's meetings, findings, and recommendations.**

40 **5. Members of the task force shall not be compensated for, or reimbursed for**
41 **expenses incurred in, attending meetings of the task force.**

42 **6. This section shall expire July 1, 2017.**

455.020. 1. Any [adult] person who has been subject to domestic violence by a present
2 or former family or household member, or who has been the victim of stalking, may seek relief
3 under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence
4 or stalking by the respondent.

5 2. [An adult's] A person's right to relief under sections 455.010 to 455.085 shall not be
6 affected by his leaving the residence or household to avoid domestic violence.

7 3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective
8 throughout the state in all cities and counties.

 455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to
2 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte
3 order of protection. An immediate and present danger of [abuse] **domestic violence** to the
4 petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for
5 purposes of this section. An ex parte order of protection entered by the court shall take effect
6 when entered and shall remain in effect until there is valid service of process and a hearing is
7 held on the motion. **The court shall deny the ex parte and dismiss the petition if the**
8 **petitioner is not authorized to seek relief under section 455.020.**

9 2. Failure to serve an ex parte order of protection on the respondent shall not affect the
10 validity or enforceability of such order. If the respondent is less than seventeen years of age,
11 unless otherwise emancipated, service of process shall be made upon a **custodial** parent or
12 guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that**
13 **the person appear and bring the respondent before the court at the time and place stated.**

14 3. If an ex parte order is entered and [the allegations in the petition would give rise to
15 jurisdiction under section 211.031 because] the respondent is less than seventeen years of age,
16 the court shall transfer the case to juvenile court for a hearing on a full order of protection. The
17 court shall appoint a guardian ad litem for any such respondent not represented by a parent or
18 guardian.

 455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections
2 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held
3 unless the court deems, for good cause shown, that a continuance should be granted. At the
4 hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the
5 evidence, the court shall issue a full order of protection for a period of time the court deems
6 appropriate, except that the protective order shall be valid for at least one hundred eighty days
7 and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the
8 full order of protection may be renewed for a period of time the court deems appropriate, except
9 that the protective order shall be valid for at least one hundred eighty days and not more than one
10 year from the expiration date of the originally issued full order of protection. The court may,
11 upon finding that it is in the best interest of the parties, include a provision that any full order of
12 protection for one year shall automatically renew unless the respondent requests a hearing by
13 thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the
14 motion to renew or the objection to an automatic renewal of the full order of protection prior to
15 the expiration date of the originally issued full order of protection, an ex parte order of protection
16 may be issued until a hearing is held on the motion. When an automatic renewal is not
17 authorized, upon motion by the petitioner, and after a hearing by the court, the second full order
18 of protection may be renewed for an additional period of time the court deems appropriate,

19 except that the protective order shall be valid for at least one hundred eighty days and not more
20 than one year. For purposes of this subsection, a finding by the court of a subsequent act of
21 abuse is not required for a renewal order of protection.

22 2. The court shall cause a copy of the petition and notice of the date set for the hearing
23 on such petition and any ex parte order of protection to be served upon the respondent as
24 provided by law or by any sheriff or police officer at least three days prior to such hearing. [Such
25 notice shall be served at the earliest time, and service of such notice shall take priority over
26 service in other actions, except those of a similar emergency nature.] The court shall cause a
27 copy of any full order of protection to be served upon or mailed by certified mail to the
28 respondent at the respondent's last known address. **Notice of an ex parte or full order of**
29 **protection shall be served at the earliest time and service of such notice shall take priority**
30 **over service in other actions, except those of a similar emergency nature.** Failure to serve
31 or mail a copy of the full order of protection to the respondent shall not affect the validity or
32 enforceability of a full order of protection.

33 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085
34 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where
35 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
36 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
37 or any other comparable law enforcement system the same day the order is granted. The law
38 enforcement agency responsible for maintaining MULES shall, for purposes of verification,
39 within twenty-four hours from the time the order is granted, enter information contained in the
40 order including but not limited to any orders regarding child custody or visitation and all
41 specifics as to times and dates of custody or visitation that are provided in the order. A notice
42 of expiration or of termination of any order of protection or any change in child custody or
43 visitation within that order shall be issued to the local law enforcement agency and to the law
44 enforcement agency responsible for maintaining MULES or any other comparable law
45 enforcement system. The law enforcement agency responsible for maintaining the applicable
46 law enforcement system shall enter such information in the system within twenty-four hours of
47 receipt of information evidencing such expiration or termination. The information contained in
48 an order of protection may be entered in the Missouri uniform law enforcement system or
49 comparable law enforcement system using a direct automated data transfer from the court
50 automated system to the law enforcement system.

51 4. The court shall cause a copy of any objection filed by the respondent and notice of the
52 date set for the hearing on such objection to an automatic renewal of a full order of protection
53 for a period of one year to be personally served upon the petitioner by personal process server
54 as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such
55 service of process shall be served at the earliest time and shall take priority over service in other
56 actions except those of a similar emergency nature.

455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452[, RSMo 1978, as amended].

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from abusing, molesting, stalking or disturbing the peace of the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the order of the court granting a motion to terminate the order of protection by the petitioner. [The court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be heard.] Prior to terminating any order of protection, the court may [examine the circumstances of the motion to dismiss and may] inquire of the petitioner or others **in camera** in order to [assist the court in determining if] **determine whether the** dismissal is voluntary.

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection

10 against the same or any other family or household member, shall arrest the offending party for
11 this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period
12 may be considered as evidence of the defendant's intent in the violation for which arrest
13 occurred. The refusal of the victim to sign an official complaint against the violator shall not
14 prevent an arrest under this subsection.

15 2. When a law enforcement officer has probable cause to believe that a party, against
16 whom a protective order has been entered and who has notice of such order entered, has
17 committed an act [of abuse] in violation of such order, the officer shall arrest the offending
18 party-respondent whether or not the violation occurred in the presence of the arresting officer.
19 Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest
20 under this subsection.

21 3. When an officer makes an arrest he is not required to arrest two parties involved in
22 an assault when both parties claim to have been assaulted. The arresting officer shall attempt to
23 identify and shall arrest the party he believes is the primary physical aggressor. The term
24 "primary physical aggressor" is defined as the most significant, rather than the first, aggressor.
25 The law enforcement officer shall consider any or all of the following in determining the primary
26 physical aggressor:

27 (1) The intent of the law to protect victims [of domestic violence] from continuing
28 [abuse] **domestic violence**;

29 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical
30 injury;

31 (3) The history of domestic violence between the persons involved.

32

33 No law enforcement officer investigating an incident of [family] **domestic** violence shall threaten
34 the arrest of all parties for the purpose of discouraging requests or law enforcement intervention
35 by any party. Where complaints are received from two or more opposing parties, the officer shall
36 evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

37 4. In an arrest in which a law enforcement officer acted in good faith reliance on this
38 section, the arresting and assisting law enforcement officers and their employing entities and
39 superiors shall be immune from liability in any civil action alleging false arrest, false
40 imprisonment or malicious prosecution.

41 5. When a person against whom an order of protection has been entered fails to surrender
42 custody of minor children to the person to whom custody was awarded in an order of protection,
43 the law enforcement officer shall arrest the respondent, and shall turn the minor children over
44 to the care and custody of the party to whom such care and custody was awarded.

45 6. The same procedures, including those designed to protect constitutional rights, shall
46 be applied to the respondent as those applied to any individual detained in police custody.

47 7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**,
48 stalking, child custody, communication initiated by the respondent or entrance upon the premises
49 of the petitioner's dwelling unit or place of employment or school, or being within a certain
50 distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which
51 the respondent has notice, shall be a class A misdemeanor unless the respondent has previously
52 pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex
53 parte order of protection or a full order of protection within five years of the date of the
54 subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence
55 of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the
56 jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas
57 of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or
58 duration of sentence or other disposition and shall not instruct the jury as to the range of
59 punishment or allow the jury to assess and declare the punishment as a part of its verdict.

60 8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**,
61 stalking, child custody, communication initiated by the respondent or entrance upon the premises
62 of the petitioner's dwelling unit or place of employment or school, or being within a certain
63 distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class
64 A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty
65 in any division of the circuit court of violating an ex parte order of protection or a full order of
66 protection within five years of the date of the subsequent violation, in which case the subsequent
67 violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be
68 heard by the court out of the presence of the jury prior to submission of the case to the jury. If
69 the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable
70 doubt, the court shall decide the extent or duration of the sentence or other disposition and shall
71 not instruct the jury as to the range of punishment or allow the jury to assess and declare the
72 punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice
73 provided by actual service of the order, a party is deemed to have notice of an order of protection
74 if the law enforcement officer responding to a call of a reported incident of abuse or violation
75 of an order of protection presented a copy of the order of protection to the respondent.

76 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed
77 tampering with a witness or victim tampering under section 575.270.

78 10. Nothing in this section shall be interpreted as creating a private cause of action for
79 damages to enforce the provisions set forth herein.

455.505. 1. An order of protection for a child who has been subject to domestic violence
2 by a present or former [adult] household member or person stalking the child may be sought
3 under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic
4 violence by the respondent.

5 2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by his
6 leaving the residence or household to avoid domestic violence.

7 3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective
8 throughout the state in all cities and counties.

 455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for
2 good cause shown in the petition, and upon finding that no prior order regarding custody is
3 pending or has been made or that the respondent is less than seventeen years of age, the court
4 may immediately issue an ex parte order of protection. An immediate and present danger of
5 [abuse] **domestic violence** to a child shall constitute good cause for purposes of this section. An
6 ex parte order of protection entered by the court shall be in effect until the time of the hearing.
7 **The court shall deny the ex parte and dismiss the petition if the petitioner is not authorized**
8 **to seek relief under section 455.505.**

9 2. Upon the entry of the ex parte order of protection, the court shall enter its order
10 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

11 3. If the allegations in the petition would give rise to jurisdiction under section 211.031,
12 the court may direct the children's division to conduct an investigation and to provide appropriate
13 services. The division shall submit a written investigative report to the court and to the juvenile
14 officer within thirty days of being ordered to do so. The report shall be made available to the
15 parties and the guardian ad litem or court-appointed special advocate.

16 4. If [an ex parte order is entered and] the allegations in the petition would give rise to
17 jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the
18 court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on
19 a full order of protection. Service of process shall be made pursuant to section 455.035.

 455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall
2 be to protect the victim from domestic violence and may include such terms as the court
3 reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

4 (1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting
5 or disturbing the peace of the victim;

6 (2) Temporarily enjoining the respondent from entering the family home of the victim,
7 except as specifically authorized by the court;

8 (3) Temporarily enjoining the respondent from communicating with the victim in any
9 manner or through any medium, except as specifically authorized by the court.

10 2. When the court has, after hearing for any full order of protection, issued an order of
11 protection, it may, in addition:

12 (1) Award custody of any minor child born to or adopted by the parties when the court
13 has jurisdiction over such child and no prior order regarding custody is pending or has been
14 made, and the best interests of the child require such order be issued;

15 (2) Award visitation;

16 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

17 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
18 in accordance with chapter 452;

19 (5) Order respondent to make or to continue to make rent or mortgage payments on a
20 residence occupied by the victim if the respondent is found to have a duty to support the victim
21 or other dependent household members;

22 (6) Order the respondent to participate in a court-approved counseling program designed
23 to help [child abusers] stop violent behavior or to treat substance abuse;

24 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her
25 treatment, together with the treatment costs incurred by the victim;

26 (8) Order the respondent to pay a reasonable fee for housing and other services that have
27 been provided or that are being provided to the victim by a shelter for victims of domestic
28 violence.

455.538. 1. When a law enforcement officer has probable cause to believe that a party,
2 against whom a protective order for a child has been entered, has committed an act of [abuse]
3 **domestic violence** in violation of that order, he shall have the authority to arrest the respondent
4 whether or not the violation occurred in the presence of the arresting officer.

5 2. When a person, against whom an order of protection for a child has been entered, fails
6 to surrender custody of minor children to the person to whom custody was awarded in an order
7 of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor
8 children over to the care and custody of the party to whom such care and custody was awarded.

9 3. The same procedures, including those designed to protect constitutional rights, shall
10 be applied to the respondent as those applied to any individual detained in police custody.

11 4. (1) Violation of the terms and conditions of an ex parte or full order of protection
12 with regard to abuse, child custody, communication initiated by the respondent, or entrance upon
13 the premises of the victim's dwelling unit or place of employment or school, or being within a
14 certain distance of the petitioner or a child of the petitioner, of which the respondent has notice,
15 shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has
16 been found guilty in any division of the circuit court of violating an ex parte order of protection
17 or a full order of protection within five years of the date of the subsequent violation, in which
18 case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or
19 finding of guilt shall be heard by the court out of the presence of the jury prior to submission of
20 the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt
21 beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other
22 disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess
23 and declare the punishment as a part of its verdict.

24 (2) For purposes of this subsection, in addition to the notice provided by actual service
25 of the order, a party is deemed to have notice of an order of protection for a child if the law

26 enforcement officer responding to a call of a reported incident of abuse or violation of an order
27 of protection for a child presents a copy of the order of protection to the respondent.

28 5. The fact that an act by a respondent is a violation of a valid order of protection for a
29 child shall not preclude prosecution of the respondent for other crimes arising out of the incident
30 in which the protection order is alleged to have been violated.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
4 filed within this state in all criminal cases in which the defendant pleads guilty [or nolo
5 contendere to] , **is found guilty** or is convicted of a felony, except when the defendant pleads
6 guilty or is found guilty of a class B felony, class A felony, or an unclassified felony, under
7 chapter 195, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen dollars
8 shall be assessed as costs in each court proceeding filed within this state in all **other** criminal
9 cases, except for traffic violations cases in which the defendant pleads guilty [or nolo contendere
10 to] , **is found guilty** or is convicted of a misdemeanor.

11 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the
12 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
13 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

14 4. [If in the immediate previous fiscal year, the state's general revenue did not increase
15 by two percent or more, the state treasurer shall deposit such moneys or other gifts, grants, or
16 moneys received on a monthly basis into the state general revenue fund. Otherwise the state
17 treasurer shall deposit such moneys in accordance with the provisions of subsection 5 of this
18 section.

19 5.] The state treasurer shall deposit such moneys or other gifts, grants, or moneys
20 received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created
21 in the state treasury. The fund shall be administered by the department of public safety. The
22 moneys deposited into the DNA profiling analysis fund shall be used only [for DNA profiling
23 analysis of convicted offender samples performed] **by the highway patrol crime lab** to fulfill
24 the purposes of the DNA profiling system pursuant to section 650.052. Notwithstanding the
25 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
26 biennium shall not revert to the credit of the general revenue fund.

27 [6. The provisions of subsections 1 and 2 of this section shall expire on August 28,
28 2013.]

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system
2 under federal law shall [be required at the end of their respective fiscal year to acquire an
3 independent audit of the federal seizures and the proceeds received therefrom and provide this
4 audit to their respective governing body and to the department of public safety. A copy of such
5 audit shall be provided to the state auditor's office. This audit shall be paid for out of the

6 proceeds of such federal forfeitures] **file a report regarding federal seizures and the proceeds**
7 **therefrom. Such report shall be filed annually by January thirty-first for the previous**
8 **calendar year with the department of public safety and the state auditor's office. The**
9 **report for the calendar year shall include the type and value of items seized and turned**
10 **over to the federal forfeiture system, the beginning balance as of January first of federal**
11 **forfeiture funds or assets previously received and not expended or used, the proceeds**
12 **received from the federal government (the equitable sharing amount), the expenditures**
13 **resulting from the proceeds received, and the ending balance as of December thirty-first**
14 **of federal forfeiture funds or assets on hand.** The department of public safety shall not issue
15 funds to any law enforcement agency that fails to comply with the provisions of this section.

16 2. Intentional or knowing failure to comply with the [audit] **reporting** requirement
17 contained in this section shall be a class A misdemeanor, punishable by a fine of up to one
18 thousand dollars.

527.290. 1. Public notice of such a change of name shall be given at least three times
2 in a newspaper published in the county where such person is residing, within twenty days after
3 the order of court is made, and if no newspaper is published in his or any adjacent county, then
4 such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of
5 government.

6 2. Public notice of such name change through publication as required in subsection 1 of
7 this section shall not be required **and any system operated by the judiciary that is designed**
8 **to provide public case information electronically shall not post the name change** if the
9 petitioner is:

10 (1) The victim of a crime, the underlying factual basis of which is found by the court on
11 the record to include an act of domestic violence, as defined in section 455.010;

12 (2) The victim of child abuse, as defined in section 210.110; or

13 (3) The victim of [abuse] **domestic violence** by a family or household member, as
14 defined in section 455.010.

565.074. 1. A person commits the crime of domestic assault in the third degree if the
2 act involves a family or household member [or an adult who is or has been in a continuing social
3 relationship of a romantic or intimate nature with the actor], as defined in section 455.010 and:

4 (1) The person attempts to cause or recklessly causes physical injury to such family or
5 household member; or

6 (2) With criminal negligence the person causes physical injury to such family or
7 household member by means of a deadly weapon or dangerous instrument; or

8 (3) The person purposely places such family or household member in apprehension of
9 immediate physical injury by any means; or

10 (4) The person recklessly engages in conduct which creates a grave risk of death or
11 serious physical injury to such family or household member; or

12 (5) The person knowingly causes physical contact with such family or household
13 member knowing the other person will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such family or
15 household member by unreasonably and substantially restricting or limiting such family or
16 household member's access to other persons, telecommunication devices or transportation for
17 the purpose of isolation.

18 2. Except as provided in subsection 3 of this section, domestic assault in the third degree
19 is a class A misdemeanor.

20 3. A person who has pleaded guilty to or been found guilty of the crime of domestic
21 assault in the third degree more than two times against any family or household member as
22 defined in section 455.010, or of any offense committed in violation of any county or municipal
23 ordinance in any state, any state law, any federal law, or any military law which, if committed
24 in this state, would be a violation of this section, is guilty of a class D felony for the third or any
25 subsequent commission of the crime of domestic assault. The offenses described in this
26 subsection may be against the same family or household member or against different family or
27 household members.

565.182. 1. A person commits the crime of elder abuse in the second degree if he:

2 (1) Knowingly causes, attempts to cause physical injury to any person sixty years of age
3 or older or an eligible adult, as defined in section 660.250, by means of a deadly weapon or
4 dangerous instrument; or

5 (2) Recklessly [and] **or** purposely causes serious physical injury, as defined in section
6 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250.

7 2. Elder abuse in the second degree is a class B felony.

570.145. 1. A person commits the crime of financial exploitation of an elderly or
2 disabled person if such person knowingly [and] by deception, intimidation, **undue influence**,
3 or force obtains control over the elderly or disabled person's property with the intent to
4 permanently deprive the elderly or disabled person of the use, benefit or possession of his or her
5 property thereby benefitting such person or detrimentally affecting the elderly or disabled person.
6 Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of
7 the property is less than fifty dollars, a class D felony if the value of the property is fifty dollars
8 but less than five hundred dollars, a class C felony if the value of the property is five hundred
9 dollars but less than one thousand dollars, a class B felony if the value of the property is one
10 thousand dollars but less than fifty thousand dollars, and a class A felony if the value of the
11 property is fifty thousand dollars or more.

12 2. For purposes of this section, the following terms mean:

13 (1) "Deception", a misrepresentation or concealment of material fact relating to the terms
14 of a contract or agreement entered into with the elderly or disabled person or to the existing or
15 preexisting condition of any of the property involved in such contract or agreement, or the use
16 or employment of any misrepresentation, false pretense or false promise in order to induce,
17 encourage or solicit the elderly or disabled person to enter into a contract or agreement.

18 Deception includes:

19 (a) Creating or confirming another person's impression which is false and which the
20 offender does not believe to be true; or

21 (b) Failure to correct a false impression which the offender previously has created or
22 confirmed; or

23 (c) Preventing another person from acquiring information pertinent to the disposition of
24 the property involved; or

25 (d) Selling or otherwise transferring or encumbering property, failing to disclose a lien,
26 adverse claim or other legal impediment to the enjoyment of the property, whether such
27 impediment is or is not valid, or is or is not a matter of official record; or

28 (e) Promising performance which the offender does not intend to perform or knows will
29 not be performed. Failure to perform standing alone is not sufficient evidence to prove that the
30 offender did not intend to perform;

31 (2) "Disabled person", a person with a mental, physical, or developmental disability that
32 substantially impairs the person's ability to provide adequately for the person's care or protection;

33 (3) "Elderly person", a person sixty years of age or older;

34 (4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled
35 person, or the communication to an elderly or disabled person that he or she will be deprived of
36 food and nutrition, shelter, prescribed medication, or medical care and treatment;

37 **(5) "Undue influence", use of influence by someone who exercises authority over**
38 **an elderly person or disabled person in order to take unfair advantage of that person's**
39 **vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not**
40 **limited to, the improper or fraudulent use of a power of attorney, guardianship,**
41 **conservatorship, or other fiduciary authority.**

42 3. Nothing in this section shall be construed to limit the remedies available to the victim
43 pursuant to any state law relating to domestic violence.

44 4. Nothing in this section shall be construed to impose criminal liability on a person who
45 has made a good faith effort to assist the elderly or disabled person in the management of his or
46 her property, but through no fault of his or her own has been unable to provide such assistance.

47 5. Nothing in this section shall limit the ability to engage in bona fide estate planning,
48 to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that

49 such actions do not adversely impact the standard of living to which the elderly or disabled
50 person has become accustomed at the time of such actions.

51 6. It shall not be a defense to financial exploitation of an elderly or disabled person that
52 the accused reasonably believed that the victim was not an elderly or disabled person.

53 **7. (1) It shall be unlawful in violation of this section for any person receiving or in**
54 **the possession of funds of a Medicaid eligible elderly or disabled person residing in a**
55 **facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid**
56 **eligible person resides all money owing the facility resident from any source, including, but**
57 **not limited to, social security, railroad retirement, or payments from any other source**
58 **disclosed as resident income contained in the records of the department of social services,**
59 **family support division or its successor. The department of social services, family support**
60 **division or its successor is authorized to release information from its records containing the**
61 **resident's income or assets to any prosecuting or circuit attorney in the state of Missouri**
62 **for purposes of investigating or prosecuting any suspected violation of this section.**

63 **(2) The prosecuting or circuit attorney of any county containing a facility licensed**
64 **under chapter 198, who successfully prosecutes a violation of the provisions of this**
65 **subsection, may request the circuit court of the county in which the offender admits to or**
66 **is found of guilty of a violation, as a condition of sentence and/or probation, to order**
67 **restitution of all amounts unlawfully withheld from a facility in his or her county. Any**
68 **order of restitution entered by the court or by agreement shall provide that ten percent of**
69 **any restitution installment or payment paid by or on behalf of the defendant or defendants**
70 **shall be paid to the prosecuting or circuit attorney of the county successfully prosecuting**
71 **the violation to compensate for the cost of prosecution with the remaining amount to be**
72 **paid to the facility.**

574.035. 1. This section shall be known and may be cited as the "House of Worship
2 **Protection Act".**

3 **2. For purposes of this section, "house of worship" means any church, synagogue,**
4 **mosque, other building or structure, or public or private place used for religious worship,**
5 **religious instruction, or other religious purpose.**

6 **3. A person commits the crime of disrupting a house of worship if such person:**

7 **(1) Intentionally and unreasonably disturbs, interrupts, or disquiets any house of**
8 **worship by using profane discourse, rude or indecent behavior, or making noise either**
9 **within the house of worship or so near it as to disturb the order and solemnity of the**
10 **worship services; or**

11 **(2) Intentionally injures, intimidates, or interferes with or attempts to injure,**
12 **intimidate, or interfere with any person lawfully exercising the right of religious freedom**

13 **in or outside of a house of worship or seeking access to a house of worship, whether by**
14 **force, threat, or physical obstruction.**

15 **4. Disrupting a house of worship is a class B misdemeanor. Any second offense is**
16 **a class A misdemeanor. Any third or subsequent offense is a class D felony.**

575.045. 1. A person commits the crime of false identification to a law enforcement
2 **officer if such person falsely represents or identifies himself or herself as another person**
3 **or as a fictitious person to a law enforcement officer upon a lawful stop or a lawful**
4 **detention, or an arrest of the person, either for the purpose of evading the process of the**
5 **court, or for the purpose of evading the proper identification of the person by the law**
6 **enforcement officer if:**

7 **(1) The false information is given while the law enforcement officer is engaged in**
8 **the performance of his or her duties as a law enforcement officer; and**

9 **(2) The person providing the false information knows or should have known that**
10 **the person receiving the information is a law enforcement officer.**

11 **2. It is a defense to a prosecution under subsection 1 of this section that the actor**
12 **retracted the false statement or report before the law enforcement officer or any other**
13 **person took substantial action in reliance thereon.**

14 **3. The defendant shall have the burden of injecting the issue of retraction under**
15 **subsection 2 of this section.**

16 **4. False identification to a law enforcement officer is a class B misdemeanor.**

575.060. 1. A person commits the crime of making a false declaration if, with the
2 **purpose to mislead a public servant in the performance of his or her duty, [he] such person:**

3 **(1) Submits any written false statement, which he or she does not believe to be true**

4 **(a) In an application for any pecuniary benefit or other consideration; or**

5 **(b) On a form bearing notice, authorized by law, that false statements made therein are**
6 **punishable; or**

7 **(2) Submits or invites reliance on:**

8 **(a) Any writing which he or she knows to be forged, altered or otherwise lacking in**
9 **authenticity; or**

10 **(b) Any sample, specimen, map, boundary mark, or other object which he or she knows**
11 **to be false; or**

12 **(3) Provides any verbal false statement regarding their identity, which he or she**
13 **believes or knows not to be true.**

14 **2. The falsity of the statement or the item under subsection 1 of this section must be as**
15 **to a fact which is material to the purposes for which the statement is made or the item submitted;**
16 **and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under**
17 **subsection 1 of this section.**

18 3. It is a defense to a prosecution under subsection 1 of this section that the actor
19 retracted the false statement or item but this defense shall not apply if the retraction was made
20 after:

21 (1) The falsity of the statement or item was exposed; or

22 (2) The public servant took substantial action in reliance on the statement or item.

23 4. The defendant shall have the burden of injecting the issue of retraction under
24 subsection 3 of this section.

25 5. For the purpose of this section, "written" shall include filings submitted in an
26 electronic or other format or medium approved or prescribed by the secretary of state.

27 6. Making a false declaration is a class B misdemeanor.

 575.070. No person shall be convicted of a violation of sections 575.040, **575.045**,
2 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity
3 of the statement by:

4 (1) The direct evidence of two witnesses; or

5 (2) The direct evidence of one witness together with strongly corroborating
6 circumstances; or

7 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or

8 (4) A directly contradictory statement by the defendant under oath together with

9 (a) The direct evidence of one witness; or

10 (b) Strongly corroborating circumstances; or

11 (5) A judicial admission by the defendant that he made the statement knowing it was
12 false. An admission, which is not a judicial admission, by the defendant that he made the
13 statement knowing it was false may constitute strongly corroborating circumstances.

 575.080. 1. A person commits the crime of making a false report if [he] **such person**
2 knowingly:

3 (1) Gives false information to any person for the purpose of implicating another person
4 in a crime; or

5 (2) Makes a false report to a law enforcement officer, **with an intent to deceive**, that a
6 crime has occurred or is about to occur; or

7 (3) Makes a false report or causes a false report to be made to a law enforcement officer,
8 security officer, fire department or other organization, official or volunteer, which deals with
9 emergencies involving danger to life or property that a fire or other incident calling for an
10 emergency response has occurred or is about to occur.

11 2. It is a defense to a prosecution under subsection 1 of this section that the actor
12 retracted the false statement or report before the law enforcement officer or any other person took
13 substantial action in reliance thereon.

14 3. The defendant shall have the burden of injecting the issue of retraction under
15 subsection 2 of this section.

16 4. Making a false report is a class B misdemeanor **unless committed under subdivision**
17 **(2) of subsection 1 of this section when the crime which was falsely reported was a felony,**
18 **in which case it is a class D felony.**

577.170. 1. Any person involved in the production, sale, distribution, or
2 **administration of prescription medications that has specific information or evidence that**
3 **the conduct related to the production, sale, distribution, or administration of prescription**
4 **medications of a pharmacist or any other health care professional, as defined in section**
5 **383.130, is illegal in nature and could cause death or serious physical injury, as defined in**
6 **section 565.002, to another person shall immediately report or cause a report to be made**
7 **to the Food and Drug Administration, the state board of pharmacy, or any law**
8 **enforcement organization.**

9 2. The report shall contain the name and address of the pharmacist or health care
10 professional, information regarding the nature of the alleged conduct, the name of the
11 complainant, and any other information which might be helpful in an investigation.

12 3. Any person required in subsection 1 of this section to report or cause a report
13 to be made to the Food and Drug Administration, state board of pharmacy, or any law
14 enforcement organization who knowingly fails to make a report within a reasonable time
15 after the alleged conduct is guilty of a class A misdemeanor.

16 4. In addition to the penalties imposed by this section, any person who knowingly
17 conceals any illegal conduct resulting in death or serious physical injury, as defined in
18 section 565.002, is guilty of a class D felony.

577.172. 1. Any person involved in the production, sale, distribution, or
2 **administration of prescription medications who has reason to suspect that counterfeit,**
3 **fake, diluted, or black market drugs are in the distribution channel shall make a report or**
4 **cause a report to be made to the federal Food and Drug Administration, state board of**
5 **pharmacy, or any law enforcement agency.**

6 2. Any person who fails to make a report or cause a report to be made within seven
7 days is guilty of a class A misdemeanor.

8 3. Any employee of a drug or pharmaceutical company that attempts to conceal in
9 any way information about suspected counterfeit, fake, diluted, or black market drugs or
10 any other drug in the distribution channel that could result in serious physical injury or
11 death to a person is guilty of a class D felony.

610.205. 1. After an investigation is inactive, crime scene or death scene
2 **photographs and video recordings, including photographs and video recordings created**
3 **or produced by a state or local agency or by a perpetrator or suspect at a crime scene,**

4 which depict or describe a deceased person in a state of dismemberment, decapitation, or
5 similar mutilation including, without limitation, where the deceased person's genitalia are
6 exposed, shall be considered open records for inspection, but closed records for purposes
7 of copying under the provisions of this chapter; provided, however, that this section shall
8 not prohibit disclosure of such material to the deceased's next of kin or to an individual
9 who has secured a written release from the next of kin. It shall be the responsibility of the
10 next of kin to show proof of the familial relationship. For purposes of such access, the
11 deceased's next of kin shall be:

12 (1) The spouse of the deceased if living;

13 (2) If there is no living spouse of the deceased, an adult child of the deceased; or

14 (3) If there is no living spouse or adult child, a parent of the deceased.

15 2. Subject to the provisions of subsection 3 of this section, in the case of closed
16 criminal investigations a circuit court judge may order the disclosure of such photographs
17 or video recordings upon findings in writing that disclosure is in the public interest and
18 outweighs any privacy interest that may be asserted by the deceased person's next of kin.
19 In making such determination, the court shall consider whether such disclosure is
20 necessary for public evaluation of governmental performance, the seriousness of the
21 intrusion into the family's right to privacy, and whether such disclosure is the least
22 intrusive means available considering the availability of similar information in other public
23 records. In any such action, the court shall review the photographs or video recordings in
24 question in camera with the custodian of the crime scene materials present and may
25 condition any disclosure on such condition as the court may deem necessary to
26 accommodate the interests of the parties.

27 3. Prior to releasing any crime scene material described in subsection 1 of this
28 section, the custodian of such material shall give the deceased person's next of kin at least
29 two weeks' notice. No court shall order a disclosure under subsection 2 of this section
30 which would disregard or shorten the duration of such notice requirement.

31 4. The provisions of this section shall apply to all undisclosed material which is in
32 the custody of a state or local agency on the effective date of this section and to any such
33 material which comes into the custody of a state or local agency after such date.

34 5. The provisions of this section shall not apply to disclosure of crime scene material
35 to counsel representing a defendant. Counsel may disclose such materials to his or her
36 client and any expert or investigator assisting counsel but shall not otherwise disseminate
37 such materials, except to the extent they may be necessary exhibits in court proceedings.
38 A request under this subsection shall clearly state that such request is being made for the
39 purpose of preparing to file and litigate proceedings enumerated in this subsection.

650.055. 1. Every individual, in a Missouri circuit court, who:

2 (1) Pleads guilty to or is found guilty of a felony or any offense under chapter 566[,] ;
3 or [who]

4 (2) Is seventeen years of age or older and [who is] arrested for burglary in the first degree
5 under section 569.160, or burglary in the second degree under section 569.170, or a felony
6 offense under [chapters] **chapter** 565, 566, 567, 568, or 573[,] ; or

7 (3) Has been determined to be a sexually violent predator pursuant to sections 632.480
8 to 632.513[,] ; or

9 (4) Is an individual required to register as a sexual offender under sections 589.400 to
10 589.425[,] ;

11

12 shall have a fingerprint and blood or scientifically accepted biological sample collected for
13 purposes of DNA profiling analysis[:] .

14 **2. Any individual subject to DNA collection and profiling analysis under this**
15 **section shall provide a DNA sample:**

16 (1) Upon booking at a county jail or detention facility; or

17 (2) Upon entering or before release from the department of corrections reception and
18 diagnostic centers; or

19 (3) Upon entering or before release from a county jail or detention facility, state
20 correctional facility, or any other detention facility or institution, whether operated by a private,
21 local, or state agency, or any mental health facility if committed as a sexually violent predator
22 pursuant to sections 632.480 to 632.513; or

23 (4) When the state accepts a person from another state under any interstate compact, or
24 under any other reciprocal agreement with any county, state, or federal agency, or any other
25 provision of law, whether or not the person is confined or released, the acceptance is conditional
26 on the person providing a DNA sample if the person was convicted of, **found guilty of or**
27 **pleaded guilty to**[, or pleaded nolo contendere to an] **a felony** offense [in any other jurisdiction
28 which would be considered a qualifying offense as defined in this section if committed in this
29 state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any
30 equivalent offense] in any other jurisdiction; or

31 (5) If such individual is under the jurisdiction of the department of corrections. Such
32 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
33 217.650, and on parole, as also defined in section 217.650; **or**

34 **(6) At the time of registering as a sex offender under sections 589.400 to 589.425.**

35 [2.] **3.** The Missouri state highway patrol and department of corrections shall be
36 responsible for ensuring adherence to the law. Any person required to provide a DNA sample
37 pursuant to this section shall be required to provide such sample, without the right of refusal, at
38 a collection site designated by the Missouri state highway patrol and the department of

39 corrections. Authorized personnel collecting or assisting in the collection of samples shall not
40 be liable in any civil or criminal action when the act is performed in a reasonable manner. Such
41 force may be used as necessary to the effectual carrying out and application of such processes
42 and operations. The enforcement of these provisions by the authorities in charge of state
43 correctional institutions and others having custody or jurisdiction over [those who have been
44 arrested for, convicted of, pleaded guilty to, or pleaded nolo contendere to felony offenses]
45 **individuals included in subsection 1 of this section** which shall not be set aside or reversed is
46 hereby made mandatory. The board of probation or parole shall recommend that an individual
47 **on probation or parole** who refuses to provide a DNA sample have his or her probation or
48 parole revoked. In the event that a person's DNA sample is not adequate for any reason, the
49 person shall provide another sample for analysis.

50 [3.] 4. The procedure and rules for the collection, analysis, storage, expungement, use
51 of DNA database records and privacy concerns shall not conflict with procedures and rules
52 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
53 databank system.

54 [4.] 5. Unauthorized [uses] **use** or dissemination of individually identifiable DNA
55 information in a database for purposes other than criminal justice or law enforcement is a class
56 A misdemeanor.

57 [5.] 6. Implementation of sections 650.050 to 650.100 shall be subject to future
58 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
59 Investigation's DNA databank system.

60 [6.] 7. All DNA records and biological materials retained in the DNA profiling system
61 are considered closed records pursuant to chapter 610. All records containing any information
62 held or maintained by any person or by any agency, department, or political subdivision of the
63 state concerning an individual's DNA profile shall be strictly confidential and shall not be
64 disclosed, except to:

65 (1) Peace officers, as defined in section 590.010, and other employees of law
66 enforcement agencies who need to obtain such records to perform their public duties;

67 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
68 defined in chapter 27;

69 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their
70 employees who need to obtain such records to perform their public duties;

71 (4) The individual whose DNA sample has been collected, or his or her attorney; or

72 (5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
73 judges, and their employees who need to obtain such records to perform their public duties.

74 [7.] 8. Any person who obtains records pursuant to the provisions of this section shall
75 use such records only for investigative and prosecutorial purposes, including but not limited to

76 use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,
77 including identification of human remains. Such records shall be considered strictly confidential
78 and shall only be released as authorized by this section.

79 [8. Within ninety days of warrant refusal, the arresting agency shall notify the Missouri
80 state highway patrol crime laboratory which shall expunge all DNA records taken at the arrest
81 for which the warrant was refused in the database pertaining to the person and destroy the DNA
82 sample of the person, unless the Missouri state highway patrol determines that the person is
83 otherwise obligated to submit a DNA sample.]

84 9. An individual may request expungement of his or her DNA sample and DNA profile
85 through the court issuing the reversal or dismissal. A certified copy of the court order
86 establishing that such conviction has been reversed or guilty plea [or plea of nolo contendere]
87 has been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon
88 receipt of the court order, the laboratory will determine that the requesting individual has no
89 other qualifying offense as a result of any separate plea or conviction **and no other qualifying**
90 **arrest** prior to expungement.

91 (1) A person whose DNA record or DNA profile has been included in the state DNA
92 database in accordance with this section[, section 488.5050,] and sections 650.050, 650.052, and
93 650.100 may request expungement on the grounds that the conviction has been reversed, or the
94 guilty plea [or plea of nolo contendere] on which the authority for including that person's DNA
95 record or DNA profile was based has been set aside.

96 (2) Upon receipt of a written request for expungement, a certified copy of the final court
97 order reversing the conviction or setting aside the plea and any other information necessary to
98 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall
99 expunge all DNA records and identifiable information in the **state DNA** database pertaining to
100 the person and destroy the DNA sample of the person, unless the Missouri state highway patrol
101 determines that the person is otherwise obligated to submit a DNA sample. Within thirty days
102 after the receipt of the court order, the Missouri state highway patrol shall notify the individual
103 that it has expunged his or her DNA sample and DNA profile, or the basis for its determination
104 that the person is otherwise obligated to submit a DNA sample.

105 (3) The Missouri state highway patrol is not required to destroy any item of physical
106 evidence obtained from a DNA sample if evidence relating to another person would thereby be
107 destroyed.

108 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from
109 the database shall not be excluded or suppressed from evidence, nor shall any conviction be
110 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging
111 DNA records.

112 [9.] **10. When a DNA sample is taken of an arrestee for any offense listed under**
 113 **subsection 1 of this section and the warrant is refused, the arresting agency shall notify the**
 114 **Missouri state highway patrol crime laboratory within sixty days of warrant refusal and**
 115 **the crime laboratory shall expunge all DNA records taken at the arrest for which the**
 116 **warrant was refused in the database pertaining to the person and destroy the DNA sample**
 117 **of the person, unless the Missouri state highway patrol crime laboratory determines that**
 118 **the person is otherwise obligated to submit a DNA sample. Prior to expungement, the**
 119 **Missouri state highway patrol crime laboratory shall determine whether the individual has**
 120 **any other qualifying offenses or arrests that would require a DNA sample to be taken and**
 121 **retained prior to expungement under this subsection. The Missouri state highway patrol**
 122 **crime laboratory shall have ninety days from the date it receives notice to determine**
 123 **whether the DNA sample shall be expunged.**

124 **11.** When a DNA sample is taken of an arrestee for any offense listed under subsection
 125 1 of this section and charges are filed:

126 (1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol
 127 crime laboratory that such charges have been withdrawn;

128 (2) If the case is dismissed, the court shall notify the state highway patrol crime
 129 laboratory of such dismissal;

130 (3) If the court finds at the preliminary hearing that there is no probable cause that the
 131 defendant committed the offense, the court shall notify the state highway patrol crime laboratory
 132 of such finding;

133 (4) If the defendant is found not guilty, the court shall notify the state highway patrol
 134 crime laboratory of such verdict.

135

136 If the state highway patrol crime laboratory receives a notice of **expungement** under this
 137 subsection [that the charges have been withdrawn, the case has been dismissed, there is a finding
 138 that the necessary probable cause does not exist, or the defendant is found not guilty] **or**
 139 **subsection 10 of this section**, such crime laboratory shall expunge the DNA sample and DNA
 140 profile of the arrestee within [thirty] **ninety** days. Prior to such expungement, the state highway
 141 patrol crime laboratory shall determine whether the individual has any other qualifying offenses
 142 or arrests that would require a DNA sample to be taken and retained prior to expungement under
 143 this subsection.

650.100. As used in this chapter, the following words shall have the following meanings
 2 unless a different meaning clearly appears from the context:

3 (1) "Central repository", [is] the location where all DNA samples collected from
 4 individuals [defined in] **under** section 650.055 will be maintained and analyzed; where all

5 authorized DNA profiles uploaded to the state's database will be maintained; and from where all
6 authorized DNA profiles will be uploaded to the national DNA database;

7 (2) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that
8 allows the storage and exchange of DNA records submitted by federal, state, and local DNA
9 crime laboratories. The term "CODIS" includes the National DNA Index System administered
10 and operated by the Federal Bureau of Investigation;

11 (3) "Crime laboratory", a laboratory operated or supported financially by the state or any
12 unit of city, county, or other local Missouri government that employs at least one scientist, who
13 examines physical evidence in criminal matters and provides expert or opinion testimony with
14 respect to such physical evidence in a state court of law;

15 (4) "Department", the Missouri department of public safety;

16 (5) "DNA", deoxyribonucleic acid. DNA is located in the cells and provides an
17 individual's personal genetic blueprint. DNA encodes genetic information that is the basis of
18 human heredity and forensic identification;

19 (6) "DNA profile" refers to the collective results of all DNA identification analyses on
20 an individual's DNA sample;

21 (7) "DNA record", the DNA identification information stored in the state DNA database
22 or CODIS. The DNA record is the result obtained from the DNA analysis. The DNA record is
23 comprised of the characteristics of a DNA sample, which are of value in establishing the identity
24 of individuals, the DNA profile as well as data required to manage and operate the state's DNA
25 database, to include the specimen identification number;

26 (8) "DNA sample", a biological sample provided by any person with respect to offenses
27 covered by section 650.055 or submitted to the Missouri state highway patrol crime laboratory
28 pursuant to sections 650.050 to 650.100 for analysis or storage or both;

29 (9) **"Expungement", the destruction of an individual's DNA sample and the**
30 **removal of the DNA record from the state DNA database;**

31 (10) "Forensic DNA analysis", the identification and evaluation of biological evidence
32 in criminal matters using DNA technologies;

33 [(10)] (11) "Local funds", any funds not provided by the federal government.

650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation
2 Fund". The treasurer shall be custodian of the fund and may approve disbursements from the
3 fund in accordance with sections 30.170 and 30.180. Beginning with the 2010 fiscal year and in
4 each subsequent fiscal year, the general assembly shall appropriate three million dollars to the
5 cyber crime investigation fund. The department of public safety shall be the administrator of the
6 fund. Moneys in the fund shall be used solely for the administration of the grant program
7 established under this section. Notwithstanding the provisions of section 33.080 to the contrary,
8 any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the

9 general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as
10 other funds are invested. Any interest and moneys earned on such investments shall be credited
11 to the fund.

12 2. The department of public safety shall create a program to distribute grants to
13 multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional
14 enforcement groups, as defined in section 195.503, that are investigating Internet sex crimes
15 against children, and other law enforcement agencies. The program shall be funded by the cyber
16 crime investigation fund created under subsection 1 of this section. Not more than three percent
17 of the money in the fund may be used by the department to pay the administrative costs of the
18 grant program. The grants shall be awarded and used to pay the salaries of detectives and
19 computer forensic personnel whose focus is investigating Internet sex crimes against children,
20 including but not limited to enticement of a child, possession or promotion of child pornography,
21 provide funding for the training of law enforcement personnel and prosecuting and circuit
22 attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary
23 equipment, supplies, and services. The funding for such training may be used to cover the travel
24 expenses of those persons participating.

25 3. A panel is hereby established in the department of public safety to award grants under
26 this program and shall be comprised of the following members:

27 (1) The director of the department of public safety, or his or her designee;

28 (2) Two members [shall be] appointed by the director of the department of public safety
29 from a list of six nominees submitted by the Missouri Police Chiefs Association;

30 (3) Two members [shall be] appointed by the director of the department of public safety
31 from a list of six nominees submitted by the Missouri Sheriffs' Association;

32 (4) Two members of the state highway patrol [shall be] appointed by the director of the
33 department of public safety from a list of six nominees submitted by the Missouri State Troopers
34 Association;

35 (5) One member of the house of representatives [who shall be] appointed by the speaker
36 of the house of representatives; and

37 (6) One member of the senate [who shall be] appointed by the president pro tem.

38

39 The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection
40 shall serve a four-year term ending four years from the date of expiration of the term for which
41 his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the
42 expiration of such a term shall be appointed for the remainder of the term. Such members shall
43 hold office for the term of his or her appointment and until a successor is appointed. The
44 members of the panel shall receive no additional compensation but shall be eligible for
45 reimbursement for mileage directly related to the performance of panel duties.

46 4. Local matching amounts, which may include new or existing funds or in-kind
47 resources including but not limited to equipment or personnel, are required for
48 multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement
49 agencies to receive grants awarded by the panel. Such amounts shall be determined by the state
50 appropriations process or by the panel.

51 5. When awarding grants, priority should be given to newly hired detectives and
52 computer forensic personnel.

53 6. The panel shall establish minimum training standards for detectives and computer
54 forensic personnel participating in the grant program established in subsection 2 of this section.

55 7. Multijurisdictional Internet cyber crime law enforcement task forces and other law
56 enforcement agencies participating in the grant program established in subsection 2 of this
57 section shall share information and cooperate with the highway patrol and with existing Internet
58 crimes against children task force programs.

59 8. The panel may make recommendations to the general assembly regarding the need for
60 additional resources or appropriations.

61 9. The power of arrest of any peace officer who is duly authorized as a member of a
62 multijurisdictional Internet cyber crime law enforcement task force shall only be exercised during
63 the time such peace officer is an active member of such task force and only within the scope of
64 the investigation on which the task force is working. Notwithstanding other provisions of law
65 to the contrary, such task force officer shall have the power of arrest, as limited in this
66 subsection, anywhere in the state and shall provide prior notification to the chief of police of a
67 municipality or the sheriff of the county in which the arrest is to take place. If exigent
68 circumstances exist, such arrest may be made and notification shall be made to the chief of police
69 or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work
70 with the multijurisdictional Internet cyber crime law enforcement task force at his or her option
71 when such task force is operating within the jurisdiction of such chief of police or sheriff.

72 10. [Under section 23.253 of the Missouri sunset act:

73 (1) The provisions of the new program authorized under this section shall sunset
74 automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly;
75 and

76 (2) If such program is reauthorized, the program authorized under this section shall
77 sunset automatically twelve years after the effective date of the reauthorization of this section;
78 and

79 (3) This section shall terminate on September first of the calendar year immediately
80 following the calendar year in which the program authorized under this section is sunset] **This**
81 **section shall expire on August 28, 2022.**

Section B. The enactment of section 302.790 of this act shall become effective on July
2 1, 2013, or on the date the director of the department of revenue begins accepting emergency
3 information, whichever occurs first. If the director of revenue begins accepting emergency
4 information prior to July 1, 2013, the director shall notify the revisor of statutes of such fact.

✓